

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 19-mj-01077-KBM
)	
DANIEL ARCHULETA,)	
)	
Defendant.)	

**UNITED STATES' MOTION FOR PROMPT HEARING
ON ARCHULETA'S CONDITIONS OF RELEASE**

The United States respectfully requests a prompt hearing be set for May 6, 2019, regarding Defendant Daniel Archuleta's conditions of release. Today, the Court reset the May 6, 2019 hearing to reconsider Archuleta's conditions of release and order the hearing to be held on May 20, 2019. Doc. 14 (modifying Doc. 12). That order, although not accompanied by a textual explanation, was likely based on Archuleta's opposed motion to continue the hearing. Doc. 13. Based upon information received today and the facts proffered in the United States' motion for reconsideration of release, the United States believes Archuleta poses an immediate danger to a particular confidential informant used in this case, as well as the community at large. *See* Doc. 9. Since the Court's release order last week, the United States uncovered specific and detailed evidence corroborating the United States' contention that Archuleta poses a danger to the community. The United States outlined that evidence in a 14-page motion to reconsider prior to Archuleta's release that demonstrated Archuleta is a prolific drug trafficker, is a firearms

trafficker, will trade drugs for guns (or at least hold guns as collateral for drugs), is involved in recent acts of domestic violence (pointing a loaded gun at his girlfriend's head), and poses a risk to a confidential informant. *See id.* Just today, the United States received additional alarming information from local law enforcement that Archuleta and his girlfriend are serious about retaliating against a confidential informant in this case.

Based on the potential threat to a confidential informant and the many facts that demonstrate Archuleta's danger to the community, the United States strongly requests this Court hold a hearing at the earliest date to reconsider Archuleta's conditions of release. Archuleta does not need seventeen days to prepare for the hearing. Under the governing statute, Congress mandates that the detention hearing "be held immediately upon the person's first appearance." 18 U.S.C. § 3142(f)(2)(B). Accordingly, defendants are not typically afforded weeks to respond to motions to detain. Of course, the Court can grant continuances of such hearings, but not without good cause for more than five days upon a defendant's request. *Id.* Here, Archuleta has not demonstrated any specific prejudice to Archuleta in hearing the matter on May 6, 2019. He simply concludes that he "needs considerably more notice in order to research and prepare an effective response." Doc. 13. at 2. At the hearing, Archuleta will have ample opportunity to respond to the United States' concerns. And most importantly, the United States has illustrated

real grounds to cause the Court concern about Archuleta's continued release into the community, and which justify setting this hearing for the first possible date, May 6, 2019.

Respectfully submitted,

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/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of May, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

/s/
KRISTOPHER N. HOUGHTON
Assistant U.S. Attorney